

## REMARKS

This paper is filed in response to the Office Action mailed October 30, 2007. Claims 1-15 were pending in the application. Claims 1, 3-5, 7 and 9-11 have been amended, claims 14-15 have been canceled, and claim 16 has been added. Therefore, claims 1-13 and 16 are now pending in the application and are submitted for reconsideration.

### Request for Telephone Interview

Should issue of a final rejection be considered, the Examiner is respectfully requested to contact the undersigned by email to [owend@howrey.com](mailto:owend@howrey.com) in order to schedule a telephone interview.

### Objections to the Drawings:

The figures were objected to because they did not show every feature of the invention specified in the claims. An amended version of the Figures is attached as described above. Applicants respectfully request an indication that the proposed amendments are acceptable.

### Rejection of Claims 1-15

Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite and failing to particularly point out the Applicants' invention. In response to this rejection, claim 1 has been amended. "The rocker" has been replaced by "the cradle". Furthermore, "the" has been removed in front of "fixing points".

Additionally, "further" has been added to claims 3-4 and 9-11 in order to emphasize that the instant claimed passive or active damper and the shock absorber do not refer to the same feature or structure of the present invention.

Claim 5 has been clarified such that it is now clear that the hangers are arranged in symmetrical pairs on either side of the longitudinal axis of the rail vehicle. A basis for this amendment can be found in Figure 3 of the application as filed, and original claim 12.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,970,883 issued to Nast in combination with U.S. Patent No. 5,222,440 issued to Schneider and U.S. Patent No. 6,273,002 issued to Hachmann et al.

Claims 7-13 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,970,883 issued to Nast in combination with U.S. Patent No. 5,222,440 issued to Schneider.

Claims 1-15 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,222,440 issued to Schneider in view of U.S. Patent No. 5,970,883 issued to Nast.

In response to these rejections, claims 1-13 have been amended, claims 14-15 have been canceled and claim 16 has been added.

Independent claim 1 now specifically claims that the car body is supported via the cradle, the cradle being supported via secondary springs on a spring carrier. None of the cited prior art documents disclose such a configuration.

Nast discloses a bogey frame 4 connected to a tilting cross-member. In Nast, secondary suspensions 5 are disposed on a tilting cross-member 3 and a vehicle body 6. The secondary suspensions 5 are not connected to the car body 6 via the bogey frame 4.

Schneider does neither disclose a spring carrier nor a cradle. In Schneider, the car body 1 is directly connected to the running gear frame 12. Also in Schneider the secondary suspensions are not connected to the car body via a cradle.

Thus, none of the arrangements shown in Nast or Schneider disclose the invention of claim 1.

Combining Nast and Schneider does not result in the invention of claim 1. Such combination will lack an arrangement in which a spring carrier is supporting a vehicle body via a cradle, the cradle being supported on the spring carrier via secondary springs. On the contrary, in such combination, the secondary springs would be connected directly to the vehicle body. Therefore, applicants respectfully submit that nothing in the art of record teaches or suggests the present invention.

Moreover, the solution as provided by the invention of claim 1 has the advantage that relative rotation about the vertical axis between the car body and the cradle is decoupled from the spring movement of the secondary springs. This decoupling permits a less pre-stressed and thus more optimized position adjustment of the car body with respect to the running gear when travelling through curved tracks. Consequently, considerably less or even substantially no counterforce to the tilting movement provided by the hangers is produced by the secondary springs, allowing an optimized adjustment of the tilting angle. A combination of Nast and Schneider will not be able to obtain this advantage as a relative rotation about the vertical axis between the car body and the cradle will have an effect on the spring movement of the secondary springs. There is no decoupling.

Claims 2-5 depend from claim 1 and are thus patentable on that basis.

Additionally, applicants respectfully submit that claim 7 is patentable for the same reasons as mentioned above. Claims 8-13 depend from claim 7 and are thus patentable on that basis.

In view of the above, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-13.

**New Claim**

Claim 16 has been added in order to more fully claim the subject matter of Applicants' invention. Support for the new claim can be found in paragraph 0024 of the original specification as filed.

Claim 16 depends from claim 7 and is thus patentable on that basis.

In view of the above, Applicants respectfully request entry and allowance of claim 16 by the Examiner.

**Extension of Time**

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

**Authorization to Communicate via email**

Pursuant to MPEP 502.03, authorization is hereby given to the USPTO to communicate with Applicant's representative concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. Applicant's representative, David P. Owen, can be reached at email address [owend@howrey.com](mailto:owend@howrey.com).

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below or at email address [owend@howrey.com](mailto:owend@howrey.com) in order to resolve any questions.

Respectfully submitted,



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